



U.S. Department of Justice

United States Attorney  
Southern District of New York

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May 22, 2024

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**BY ECF**

The Honorable Mary Kay Vyskocil  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Larry Ramos, 23 Cr. 554 (MKV)**

Dear Judge Vyskocil:

On May 16, 2024, the Court directed the Bureau of Prisons (“BOP”) to conduct a competency evaluation, pursuant to 18 U.S.C. § 4241(b), of defendant Larry Ramos through a “licensed psychiatrist.” (Dkt. 43). The Court further indicated that it would “consider the ‘medical opinion’ of the BOP psychologist together with ‘a number of [other] factors,’ including ‘the court’s observation of the defendant’s comportment,’ in making its finding whether the defendant is competent.” (*Id.* (quoting *United States v. Nichols*, 56 F.3d 403, 411 (2d Cir. 1995))).

The Government respectfully requests clarification whether the Court intends the competency evaluation be performed by a psychiatrist or psychologist, or whether either is acceptable. Earlier today, the BOP advised that it does not have psychiatrists on staff but can conduct a competency evaluation through a BOP psychologist at the Metropolitan Detention Center in Brooklyn, New York, where Ramos is currently detained. Alternatively, the Court may direct that the competency evaluation be conducted by an outside licensed psychiatrist and that the psychiatrist be admitted, for this purpose, into the BOP facility where Ramos is held.

Defense counsel recommends that the Court direct an examination by an outside psychiatrist. The Government takes no position, but notes that either a psychiatric or psychological examination is expressly authorized by statute. 18 U.S.C. §§ 4241(b), 4247(b).

The Court leaves it to the discretion of the BOP to use a staff psychologist or admit an outside psychiatrist for the evaluation.

Date: June 10, 2024  
New York, New York

*Mary Kay Vyskocil*  
Mary Kay Vyskocil  
United States District Judge

Respectfully submitted,

DAMIAN WILLIAMS

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cc: Inga Parsons, Esq. (by ECF)